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10 Attorneys for Defendant and Counterclaimant
 11 International Business Machines Corporation.

12 UNITED STATES DISTRICT COURT
 13 SOUTHERN DISTRICT OF CALIFORNIA

15 ASUSTEK COMPUTER, INC.

16 Plaintiff,

17 vs.

18 INTERNATIONAL BUSINESS MACHINES
 19 CORPORATION,

20 Defendant,

21 INTERNATIONAL BUSINESS MACHINES
 22 CORPORATION,

23 Counterclaimant

24 vs.

25 ASUSTEK COMPUTER, INC. and ASUS
 26 COMPUTER INTERNATIONAL,

27 Counterclaim Defendants,

28 AND RELATED COUNTERCLAIMS.

CASE NO. 08-CV-602-JM (WMc)

DEFENDANT AND COUNTERCLAIMANT
 IBM'S REPLY TO COUNTERCLAIMS

DEMAND FOR JURY TRIAL

IBM'S REPLY TO COUNTERCLAIMS

2 Defendant and Counterclaim Plaintiff International Business Machines Corporation
3 ("IBM"), hereby replies to the Counterclaims of Plaintiff/Counterclaim Defendant/Counterclaim
4 Plaintiff ASUSTeK Computer, Inc. and Counterclaim Defendant/Counterclaim Plaintiff ASUS
5 Computer International (collectively "ASUS") as follows:

Parties

1. Admitted.
2. Admitted.
3. Admitted.

Jurisdiction and Venue

11 4. Admitted.

12 5. IBM admits that venue is proper in this district but denies the remaining allegations

13 of paragraph 5 of ASUS's Counterclaims.

First Counterclaim for Relief

15 6. The replies to paragraphs 1-5 are incorporated herein by reference. IBM further
16 denies the allegations of ASUS's Affirmative Defenses.

17 7. IBM admits that an actual and justiciable controversy exists between ASUS and
18 IBM regarding the patents at issue, but denies the remaining allegations of paragraph 7 of ASUS's
19 Counterclaims.

20 | 8. Denied.

Second Counterclaim for Relief

22 9. The replies to paragraphs 1-5 are incorporated herein by reference. IBM further
23 denies the allegations of ASUS's Affirmative Defenses.

24 10. IBM admits that an actual and justiciable controversy exists between ASUS and
25 IBM regarding the patents at issue, but denies the remaining allegations of paragraph 10 of
26 ASUS's Counterclaims.

27 | 11. Denied.

Prayer

IBM denies that ASUS is entitled to any relief.

DATED: July 23, 2008

QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP

By /s/ Jeffrey N. Boozell
Jeffrey N. Boozell
Attorneys for Defendant International Business
Machines Corporation

DEMAND FOR JURY TRIAL

In accordance with Federal Rule of Civil Procedure 38(b), Defendant and Counterclaimant IBM demands a trial by jury on all issues triable by a jury.

DATED: July 23, 2008

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

By /s/ Jeffrey N. Boozell
Jeffrey N. Boozell
Attorneys for Defendant International Business
Machines Corporation